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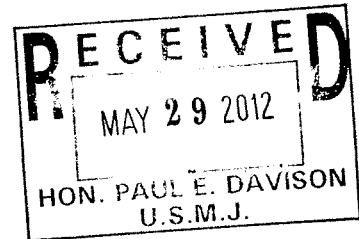
granted on consent.  
however, counsel are  
directed to contact Judge Kamas's  
chambers to arrange an appropriate - adjusted  
conference date.

SO ORDERED:

May 25, 2012  
Hon. Paul E. Davison  
United States Magistrate Judge

Via Facsimile and First Class Mail

5/29/12



Honorable Paul E. Davison  
United States Magistrate Judge  
300 Quarropos Street  
White Plains, New York, 10601

**MEMO ENDORSED**

Re: Jendras v. AboveNet, Inc.  
Case No.: 11 Civ. 5409 (KMK) (PED)

Dear Judge Davison:

We are the attorneys for the Plaintiff, Douglas Jendras, and we are writing this letter in support of a joint application by the Plaintiff and Defendant for an extension of the existing deadline of May 31, 2012 to complete depositions and all other discovery in the above-referenced action. A copy of the original case discovery scheduling order is enclosed for the court's ready reference.

Since the issuance of the original scheduling order on November 21, 2011, the parties have proceeded diligently. The parties have served and responded to each other's document demands and requests for interrogatories. Additionally, Plaintiff has taken and completed 5 depositions of certain directors, officers and employees of the Plaintiff and is nearly done with the deposition of the Chief Operating Officer of the Defendant. For its part, the Defendant has taken and completed the deposition of the Plaintiff. At the present time, Defendant is supplementing its responses to Plaintiff's prior request for production by conducting an expanded search of e-mail correspondence in its possession. Upon receipt of the Defendant's supplemental production, Plaintiff will complete the deposition of the Defendant's Chief Operating Officer and determine what, if any, other depositions might be appropriate.

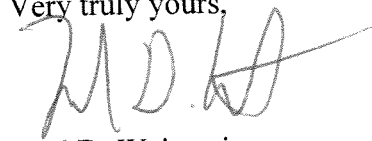
In order to assure that all depositions and remaining discovery can be completed, we jointly propose an extension of the deadline to complete depositions and all remaining

Honorable Paul E. Davison  
May 25, 2012  
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discovery from May 31 to July 15, 2012. Similarly, we respectfully request that the  
deadline for either party to move for summary judgment be extended by 45 days.

Thank you for your consideration of this request.

Very truly yours,

A handwritten signature in dark ink, appearing to read "F.D. Weinstein", with a long horizontal stroke extending to the right.

Fred D. Weinstein

FDW/jbh  
cc: Lawrence Peikes, Esq.